

## REMARKS

Applicant kindly requests that the Examiner reconsider the basis for rejection in light of the arguments presented in this response. Applicant notes the allowability of Claims 11-22 and provides herewith a Terminal Disclaimer overcoming the double-patenting rejection of Claims 1-10.

### Anticipation

The Examiner has rejected claims as anticipated by Broome '946. There is a fundamental distinction between the references applied by the Examiner and the claims at issue. In the references the filter member is fully detachable from the deployment system and after some long period of time, if desired, the implanted structure can be retrieved by recapturing an element of that structure with a retrieval device. This is in marked distinction to the structure set forth by the Applicant where the tether is always retained by the deployment system and the objective is to allow the implant to settle into a natural position unbiased by the stiffness of the deployment structures. This mechanical decoupling effect is neither taught by nor required in the applied references. Turning to the claims the "deployment line adapted to extend through..." is not present in the applied references Broome '946 and Ostrovsky '530.

### Obviousness

The Examiner rejects the claims as obvious in light of the applied references arguing that one of ordinary skill would combine various structures and features of the combined references to achieve the claimed invention. As alluded to above, there is a fundamental distinction between the applied references and the invention of the Applicant. The use of a tether for mechanical decoupling differs markedly from the use of a backing system to retrieve an implanted device. For example, there is no necessity or need to provide a retrieval element at a known location in the vessel to permit the docking procedure. In Applicant's system the two structures, the implanted structure and the deployment structure, are never fully decoupled or released until the physician is happy with the location and placement of the deployed structure. Applicant requests reexamination and reconsideration of the claims in light of these arguments.

### CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,  
ATRITECH, INC.  
By its attorneys:

Date: 2-6-08



Robert C. Beck  
Registration No. 28,184  
Beck & Tysver, P.L.L.C.  
2900 Thomas Ave., #100  
Minneapolis, MN 55416  
Telephone: (612) 915-9635  
Fax: (612) 915-9637